

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2021-026

_____)
 In the Matter of)
)
 DAVID S. ROBINSON, M.D.)
 _____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, David S. Robinson, M.D. (the “Respondent”) and the Board of Registration in Medicine (the “Board”) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction(s) set forth below in resolution of Investigative Docket No. 19-286.

Findings of Fact

1. The Respondent was born on June 21, 1973. He graduated in 2014 from the University of California School of Medicine. He has been licensed to practice medicine in Massachusetts since 2016 under certificate number 267279 and specializes in psychiatry.

2. On November 24, 2018, the Respondent was working on call in the Carney Hospital Adult Psychiatric Unit (the “Unit”) from 7:00 am until 5:00 pm.

3. While on call as described in the preceding paragraph, the Respondent “rounded” on the Unit in the morning and left from Carney Hospital (“Carney”) in the early afternoon but

remained the on-call psychiatrist for the Unit that day. There were no adverse events that occurred while the Respondent was rounding on patients.

4. Later in the afternoon on November 24, 2018, the charge nurse in the Unit spoke to the Respondent by telephone to address several patient care-related questions that she had.

5. Over the course of the phone call described in the preceding paragraph, the Respondent had difficulty responding to the charge nurse's patient care-related questions.

6. Physician A, another physician from the Unit, spoke to the Respondent by phone for approximately 2-3 minutes at or around 3:15 pm on November 24, 2018 and observed the Respondent's speech to be slurred.

7. Due to the Respondent's difficulty speaking, Physician A grew concerned that the Respondent had suffered a stroke and contacted the East Bridgewater Police Department at or around 3:30 pm on November 24, 2018 to request a wellness check.

8. In response to Physician A's request for a wellness check as requested in the preceding paragraph, officers of the East Bridgewater Police Department ("East Bridgewater PD") visited the Respondent's residence at or around 3:40 pm on November 24, 2018 to confirm his wellbeing.

9. East Bridgewater PD made contact with the Respondent when they visited his residence as described in the preceding paragraph and the Respondent declined medical assistance.

10. The Respondent's condition on November 24, 2018, as described in ¶¶ 2-9, above, was due to alcohol intoxication.

11. The Respondent was on call on Sunday, November 25, 2018, made rounds and had no adverse events.

12. On March 10, 2019, at approximately 9:55 pm, the Respondent was driving his car on Route 24 in Randolph, MA.

13. The Respondent was stopped by a Trooper of the Massachusetts State Police (the “Trooper”) after he was involved in a minor collision with another motorist while he was driving as described in the preceding paragraph.

14. The Respondent experienced difficulty in communicating with the Trooper and admitted that he had consumed alcohol before driving.

15. The Respondent was requested by the Trooper to perform field sobriety tests and performed poorly on same.

16. The Respondent was subsequently arrested.

17. The Respondent was subsequently charged with various vehicular criminal offenses, including operating under the influence of an intoxicating liquor in violation of Mass. Gen. Laws c. 90 § 24(1)(a)(1) (“OUI”).

18. On March 26, 2019 the Respondent admitted to sufficient facts for a guilty finding pursuant to Mass. Gen. Laws c. 276 § 87 and received a Continuance Without a Finding disposition on the OUI charge while all other charges against him were dismissed.

Conclusions of Law

A. The Respondent has violated 243 CMR 1.03(5)(a)(4) by practicing medicine while his ability to practice was impaired by alcohol; and

B. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).

Sanction and Order

The Respondent's license is hereby suspended indefinitely. The suspension may be stayed contingent upon the Respondent's:

- Documenting eighteen (18) months of consistent compliance with a Physician Health Services ("PHS") Monitoring Contract;
- Providing PHS with a release that allows PHS to communicate and otherwise exchange information with the Board about the Respondent's performance pursuant to the aforementioned Monitoring Contract, compliance (or lack thereof) with same, and other related observations of the Respondent;
- Submitting to an evaluation by a Board-approved psychiatrist specializing in addiction and producing a report by that person to the Board; and
- Entering into a standard, five-year Probation Agreement with the Board that requires ongoing compliance with a PHS contract, monitoring by Board-approved clinical monitors pursuant to a Board-approved practice plan, and any other conditions that the Board may deem appropriate.

Execution of this Consent Order

Complaint Counsel, the Respondent, and the Respondent's counsel (if the Respondent has retained any) agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent's counsel (if the Respondent has retained any) are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the entire document shall be null and void; thereafter, neither of the Parties nor anyone else may rely on these stipulations in this proceeding.

As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that he may have resulting from the Board's acceptance of this Consent Order.

The Respondent shall provide a complete copy of this Consent Order (and Probation Agreement, if any) with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated for the duration of this probation and/or suspension. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



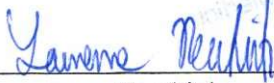
David S. Robinson, M.D.
Licensee

1/28/21
Date



David M. Gould, Esq.
Attorney for the Licensee

3/9/21
Date



Lawrence Perchick
Complaint Counsel

4/5/21
Date

So ORDERED by the Board of Registration in Medicine this 3 day of June,
20 21.



George M. Abraham, M.D.
Board Chair